

Remarks/Arguments:

Claim Status

Claims 1, 3-10, 12, and 14-16 are currently pending. Independent claim 1 has been amended. The features of claim 13 have been incorporated into claim 1. New claims 15 and 16 recite features that were removed from claim 1. No new matter has been added.

Claim Rejections Under 35 U.S.C. Section 112

Claims 10 and 12 stand rejected under 35 U.S.C. Section 112, second paragraph. Claim 10 has been amended to address the antecedent basis issue identified in the Office Action. Withdrawal of this rejection is respectfully requested.

Claim Rejections Under 35 U.S.C. Section 103

(1) Claims 1, 4-8, 13 and 14 stand rejected under 35 U.S.C. Section 103 as unpatentable over U.S. Patent No. 6,449,770 to Taylor and DE Publication No. 3301385 to Bimboese-Oswald. Applicant respectfully requests reconsideration of the rejection of these claims and respectfully submits that these claims are patentable over the cited references for the reasons set forth below.

Independent claim 1 recites features that are neither disclosed nor suggested by the cited references, namely, "[a] vehicle safety device wearable on the torso of a person, the device comprising: a body having a front portion and a back portion, the front portion having a plurality of releasable straps adapted to receive a vehicle seat belt such that the seat belt can be removably connected to the device by the releasable straps so as to secure the seat belt to the body of the device, wherein at least one releasable strap is mounted to a waist portion of the front portion of the device and at least one releasable strap is mounted to a shoulder portion of the front portion of the device, wherein the releasable straps that are mounted to the waist and shoulder portions of the device are positioned on the device to accommodate a diagonally extending strap of the seat belt." Emphasis Added.

The benefits of the above underlined phrases of claim 1 are described in Applicant's specification at page 6, lines 17-25, which is reproduced hereinafter for the Examiner's convenience: "[t]he provision of two attachment means 3, one at or near the shoulder of the jacket and one below and diagonally across the front of the jacket, provides two positions at which the diagonal strap of a seat belt is supported and attached to the jacket. This provides a more secure and stable attachment to the jacket than would be provided if the seat belt was connected to the jacket at a single position. The horizontal strap of the seat belt can sit over the jacket in the usual way." Emphasis added.

Contrary to the language of claim 1, Taylor's waist loop panels 20 are configured to receive a waist strap, as opposed to a diagonally extending shoulder strap (see Figures 1-5). Similarly, Bimboese's clips 9 and 10 are also positioned to receive a waist strap, as opposed to a diagonally extending shoulder strap. Figure 3 of Bimboese depicts a waist belt 15 routed through clips 9 and 10, whereas the diagonally extending shoulder strap 13 is only routed through clip 8. The diagonally extending shoulder strap 13 bypasses Bimboese's clip 9.

Accordingly, because claim 1 recites features that are neither disclosed nor suggested by the cited references, *prima facie* obviousness cannot be established based on the cited references. Reconsideration of claims 4-8 and 14, which depend from claim 1 and include all of the limitations thereof, is respectfully requested. Reconsideration of claims 1, 4-8 and 14 is respectfully requested.

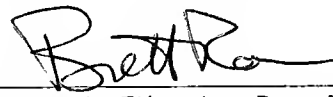
(2) Claims 3, 10 and 12 stand rejected under 35 U.S.C. Section 103(a) as unpatentable over U.S. Patent No. 6,449,770 to Taylor, DE Publication No. 3301385 to Bimboese-Oswald and U.S. Patent No. 4,571,000 to Holder. Claims 3, 10 and 12 depend from claim 1 and include all of the limitations thereof. Holder is cited for the limited purpose of teaching eyelets. Holder does not teach the missing limitations of claim 1 that were described previously. Reconsideration of claims 3, 10 and 12 is respectfully requested.

(3) Claim 9 stands rejected under 35 U.S.C. Section 103(a) as unpatentable over U.S. Patent No. 6,449,770 to Taylor, DE Publication No. 3301385 to Bimboese-Oswald and U.S. Patent No. 3,742,945 to Reinhardt. Claim 9 depends from claim 1 and includes all of the limitations thereof. Reinhardt is cited for the limited purpose of teaching a fixed connection. Reinhardt does not teach the missing limitations of claim 1 that were described previously. Reconsideration of claim 9 is respectfully requested.

Conclusion

In view of the remarks set forth above, Applicant respectfully submits that this application is now in condition for allowance, which action is respectfully requested. If the Examiner believes an interview will advance the prosecution of this application, it is respectfully requested that the Examiner contact the undersigned to arrange the same.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brett Rosen", is written over a horizontal line.

Jacques L. Etkowicz, Reg. No. 41,738
Brett J. Rosen, Reg. No. 56,047
Attorneys for Applicant

JLE/BJR

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P.O. Box 980
Valley Forge, PA 19482-0980
(610) 407-0700